

NOV 04 2005

MORRISON | FOERSTER755 PAGE MILL ROAD
PALO ALTO
CALIFORNIA 94304-1018
TELEPHONE: 650.813.5600
FACSIMILE: 650.494.0792
WWW.MOFO.COMMORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:	TELEPHONE:
MS Petitions USPTO	(571) 273-8300	(571) 272-0762

FROM: Jill A. Jacobson

DATE: November 4, 2005

Number of pages with cover page:	11	
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Preparer of this slip has confirmed that facsimile number given is correct: 6719/jaj5**Comments:**

Attorney Docket No.:	578762000100	RECEIVED OIPE/IAP NOV 07 2005
Group Art Unit:	1635	
Examiner:	R. Schnizer	
Serial No.:	10/086,973	
Filing Date:	March 1, 2002	
Inventors:	Kesavan ESUVARANATHAN	
Title:	METHODS AND COMPOSITIONS FOR DELIVERY OF PHARMACEUTICAL AGENTS	
Documents attached:		
<ul style="list-style-type: none"> • Transmittal Form (1 page) • Fee Transmittal (2 + copies for fee processing (4 pages total)) • Petition to Accept Benefit Claim Under 35 U.S.C. §120 Where Benefit Claim Is Untimely and Amendment of Specification (3 pages) • Petition Under 37 C.F.R. §1.182 Requesting Expedited Consideration of Petition to Accept Benefit Claim Under 35 U.S.C. §120 (2 pages) 		

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PTO/SB/21 (09-04)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/086,973
		Filing Date	March 1, 2002
		First Named Inventor	Kesavan ESUVARANATHAN
		Art Unit	1635
		Examiner Name	R. Schnizer
Total Number of Pages in This Submission	10	Attorney Docket Number	578762000100

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (2 + copies for fee processing (4 pages total)) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition (Petition to Accept Benefit Claim Under 35 U.S.C. §120) (3 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> • Petition Under 37 C.F.R. §1.182 (2 pages) • Facsimile coversheet
<div style="border: 1px solid black; height: 40px; width: 100%;"></div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No.: 25226)		
Signature			
Printed name	Jill A. Jacobson		
Date	November 4, 2005	Reg. No.	40,030

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (571) 273-8300, on the date shown below.

Dated: November 4, 2005

Signature: _____ (Mel Y. Leung)

pa-1023066

PTO/SB/17p (11-04)

Approved for use through 7/31/2007. QMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/086,973
	Filing Date	March 1, 2002
	First Named Inventor	Kesavan ESUVARANATHAN
	Art Unit	1635
	Examiner Name	R. Schnizer
	Attorney Docket Number	578762000100

Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition). If applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :

☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(e) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.858 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.18(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Jill A. Jacobson
Signature

Jill A. Jacobson
Typed or printed name

November 4, 2005

Date

40,030

Registration No., if applicable

NOV 04 2005

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006, OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4810). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number: 10/086,973	Filing Date: March 1, 2002
TOTAL AMOUNT OF PAYMENT (\$) 1,370.00		First Named Inventor: Kesavan ESUVARANATHAN	Examiner Name: R. Schnizer
		Art Unit: 1635	Attorney Docket No.: 578762000100

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify):	<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00
2. EXCESS CLAIM FEES							
Fee Description		DUPLICATE COPY FOR FEE PROCESSING				Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims 58	Extra Claims - 65 = 0.00	Fee (\$) 25.00	Fee Paid (\$) 0.00	Multiple Dependent Claims		Fee (\$) 180.00	Fee Paid (\$) 0.00
Indep. Claims 1	Extra Claims - 6 = 0.00	Fee (\$) 100.00	Fee Paid (\$) 0.00				
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$) 125.00	Fee Paid (\$) 0.00			
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)						Fees Paid (\$) 0.00	
Other (e.g., late filing surcharge): 1454 Acceptance of an unintentionally delayed claim ...						Fees Paid (\$) 1,370.00	

SUBMITTED BY			
Signature: <i>Jill A. Jacobson</i>	Registration No. (Attorney/Agent): 40,030	Telephone: (650) 813-5876	Date: November 4, 2005
Name (Print/Type): Jill A. Jacobson			

pa-1023061

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Docket No.: 578762000100
(PATENT)

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Dated: November 4, 2005

Signature: **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Kesavan ESUVARANATHAN et al.

Application No.: 10/086,973

Confirmation No.: 6742

Filed: March 1, 2002

Art Unit: 1635

For: METHODS AND COMPOSITIONS FOR
DELIVERY OF PHARMACEUTICAL
AGENTS

Examiner: R. Schnizer

**PETITION TO ACCEPT BENEFIT CLAIM UNDER 35 U.S.C. §120 WHERE BENEFIT
CLAIM IS UNTIMELY AND AMENDMENT OF SPECIFICATION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request allowance of the claim of benefit of the filing dates of prior applications filed on September 1, 1999 and September 1, 2000 for the above-identified application.

The omission of the benefit claim by the Applicants was unintentional for the entire period from the date the claim of benefit was due for this application to the date of submission of this petition.

Accompanying this Petition is a petition for expedited handling.

Amendments to the Specification begins on page 2 of this paper.

Conclusion begins on page 3 of this paper.

11/07/2005 CNGUYEN 00000019 031952 10086973

01 FC:1454 1370.00 DA

Application No.: 10/086,973

2

Docket No.: 578762000100
(PATENT)**AMENDMENT TO THE SPECIFICATION**

Applicants request replacement of the existing paragraph starting on page 1, line 4 of the specification with the following paragraph, which has been amended to state the relationship between the above-identified application and PCT application no. PCT/SG/00130.

-- CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of and claims priority to PCT/SG/00130, filed September 1, 2000, which claims priority to Australian provisional application no. PQ2593/99, filed September 1, 1999, the contents of which are incorporated herein in their entirety. --

pa-1022285

Application No.: 10/086,973

3

Docket No.: 578762000100
(PATENT)**CONCLUSION**

The fee required under 37 C.F.R. §1.17(t) is submitted on the accompanying fee transmittal form which is attached to this submission in duplicate. In the event that the fee transmittal letter is separated from this document and/or the U.S. Patent and Trademark Office determines that additional fees are required, Applicants authorize the Commissioner to charge any fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 578762000100. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: November 4, 2005

Respectfully submitted,

By Jill A. Jacobson

Jill A. Jacobson
Registration No.: 40,030
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5876

pa-1022285

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Patent and Trademark Office, facsimile no. (571) 273-8300, on the date
shown below.

Dated: November 4 2005

Signature:

(Mel Leung)

Docket No.: 578762000100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Kesavan ESUVARANATHAN et al.

Application No.: 10/086,973

Confirmation No.: 6742

Filed: March 1, 2002

Art Unit: 1635

For: METHODS AND COMPOSITIONS FOR
DELIVERY OF PHARMACEUTICAL
AGENTS

Examiner: R. Schnizer

**PETITION UNDER 37 C.F.R. §1.182 REQUESTING EXPEDITED CONSIDERATION OF
PETITION TO ACCEPT BENEFIT CLAIM UNDER 35 U.S.C. §120**MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to expedite review of the petition filed concurrently herewith for the above-identified application. The concurrently filed petition is entitled "PETITION TO ACCEPT BENEFIT CLAIM UNDER 35 U.S.C. §120 WHERE BENEFIT CLAIM IS UNTIMELY AND AMENDMENT OF SPECIFICATION".

In a telephone conversation between Applicants' representative and a representative of the Petitions Branch on October 28, 2005, the representative of the Petitions Branch recommended filing of the instant petition to expedite the consideration of the above-noted substantive petition filed concurrently herewith. Accordingly, expedited consideration of the concurrently filed petition is hereby respectfully requested. Expedited consideration is requested because a Final Office

11/08/2005 CNGUYEN 00000109 031952 10086973

01 FC:1462 400.00 DA

Application No.: 10/086,973

2

Docket No.: 578762000100
(PATENT)

Action is currently pending for the above-identified application, in which the priority benefit claim is an issue, and to which a response is due on January 7, 2006.

The fee required under 37 C.F.R. §1.17(f) is submitted on the accompanying fee transmittal form which is attached to this submission in duplicate. In the event that the fee transmittal letter is separated from this document and/or the U.S. Patent and Trademark Office determines that additional fees are required, Applicants authorize the Commissioner to charge any fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 578762000100. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: November 4, 2005

Respectfully submitted,

By Jill A. Jacobson

Jill A. Jacobson
Registration No.: 40,030
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5876

pa-1022286

NOV 04 2005

PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known					
FEE TRANSMITTAL		Application Number	10/086,973				
For FY 2005		Filing Date	March 1, 2002				
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		First Named Inventor	Kesavan ESUVARANATHAN				
		Examiner Name	R. Schnizer				
		Art Unit	1635				
TOTAL AMOUNT OF PAYMENT		Attorney Docket No.	578762000100				
METHOD OF PAYMENT (check all that apply)							
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____							
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>							
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)							
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee							
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments							
FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00
2. EXCESS CLAIM FEES							
Fee Description	Fee (\$)	Small Entity Fee (\$)					
Each claim over 20 (including Reissues)	50	25					
Each independent claim over 3 (including Reissues)	200	100					
Multiple dependent claims	360	180					
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)	
58	- 85 =	0.00	25.00		180.00	0.00	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
1	- 5 =	0.00	100.00				
3. APPLICATION SIZE FEE							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 =	/50	(round up to a whole number) x	125.00	0.00			
4. OTHER FEE(S)							
	Fees Paid (\$)						
Non-English Specification, \$130 fee (no small entity discount)	0.00						
Other (e.g., late filing surcharge): 1454 Acceptance of an unintentionally delayed claim ...	1,370.00						
SUBMITTED BY							
Signature	<i>Jill A. Jacobson</i>	Registration No. (Attorney/Agent)	40,030	Telephone	(650) 813-5876		
Name (Print/Type)	Jill A. Jacobson			Date	November 4, 2005		

pa-1023061